

ARGUMENTS FOR RELIEF TO THE REJECTION THAT A USER AND A BUILDER OF
WIRELESS SERVICES ARE DIFFERENT (Response to arguments)

1. My arguments for a builder of a wireless service to be different than a user of a wireless service were rejected by the examiner. The rejection concluded that "... there is no difference between a builder and a user, the terms are interchangeable." If the examiner's conclusion is correct, then it implies that anyone flying in an airplane can also build an airplane because the two terms are interchangeable. I personally would not choose to fly in an airplane built by one of the passengers who had never before built an airplane.

One of the arguments given for the rejection is that I cited in claim 6 that wireless service users may be builders of wireless services. This is no different than citing that passengers of airplanes include builders of airplanes. This does not imply that every passenger (or user of wireless services) will be a builder of airplanes (or builder of wireless services). The reason for my claim of users building wireless services is that my build process is designed to be very user friendly. This attribute can lead to having, not only professional wireless service designers, but also lay wireless service users deploying my invention to build wireless services. Just as only a few passengers build airplanes; it is likely that only a few wireless service users will deploy my invention to build wireless services.

I disagree with the rejection and maintain that the activity of building a wireless service is **not** the same as using a wireless service. Moreover, the deployment of my invention results in building wireless services and the deployments of Dupray's invention (US Pub 2004/0198386) and Neumann's invention (US Pub 2002/0141441) result in using wireless services. That is, the implementation of Dupray's invention and of Neumann's invention are intended for users of wireless services. The implementation of my invention is intended for builders of wireless services.

Another distinction is that deployments of Dupray's and Neumann's inventions require the availability of a wireless network. My invention does **not** need a wireless network for deployment. All it needs is a computation facility; e.g., a personal computer. These distinctions are substantial and thereby obviating prior art objections because of Dupray's and Neumann's inventions.

It is apparent that my claim 6 has created confusion. In order to avoid such confusion in the future, claim 6 has been canceled. Because claim 11 depends upon claim 6, claim 11 is also canceled.

REACTIONS TO CLAIM OBJECTIONS

2. The required correction to change the phrase “image (icon)” to “image or icon” has been made in claim 1.

The required correction to change the phrase “announcing (playing)” to “announcing or playing” has been made in claim 10.

REACTIONS AND ARGUMENTS FOR RELIEF TO THE CLAIM REJECTIONS
BASED ON 35 USC 112

3. The compound wireless mobile communication service “Vehicular route assistance” is neither critical nor essential to the practice of the invention. Its description is included to help in understanding the invention. Other examples of compound wireless mobile communication services are possible to serve this tutorial purpose. Hence, rejection of claim 1 on the basis of the exclusion of “Vehicular route assistance” in the claims is improper.

Critical or essential to the practice of my invention is the process of building wireless telecommunication services by interconnecting graphical representations of component services to indicate the sequence and manner in which these component services operate.

4. The component wireless mobile communication services “Location service”, “Travel route computation”, and “Traffic information retrieval” are neither critical nor essential to the practice of the invention. These services are included in the description of the compound wireless mobile communication service “Vehicular route assistance” in order to demonstrate how the building process utilizes component wireless mobile communication services to achieve an example objective. Hence, rejection of claim 2 on the basis of the exclusion of “Location service”, “Travel route computation”, and “Traffic information retrieval” in the claims is improper.

5. The word “utilizing” has replaced the phrase “by means of” in claim 1 to accommodate the examiner’s objection to the phrase “by means”.

6. The phrase “a process” has replaced the phrase “the said method” in claim 2 to accommodate the examiner’s objection to the phrase “the said method”.

7. The examiner objected to the phrase “may have” in claim 6. Claim 6 has been canceled and thereby abating the objection to the phrase “may have”.

8. The phrase “the method of” does not appear in claim 10. This is likely a typographical error in the “Detailed Action”. The phrase appears in claim 11, but claim 11 has been canceled.

9. The phrase “into a geometric element” has replaced the phrase “into said geometric elements” in claim 12 to accommodate the examiner’s objection to the phrase “into said geometric elements”.

10. The word “said” has been eliminated from claims 1, 9, and 13 to accommodate the examiner’s objection. Claims 6 and 11 have been canceled and thereby abating the word “said” objection.

11. The phrase “the process of” has incorporated into claims 9, 12, and 13 to permit the elimination of the phrase “the improvements of”. Claim 11 has been canceled and thereby abating the objection to the phrase “the improvements of”.

ARGUMENTS FOR RELIEF TO THE REJECTIONS BASED ON 35 USC 103

12. Neither the Dupray patent (US Pub 2004/0198386) nor the Dove et al patent (US Pub 2003/0035004) represent prior art that renders my invention to be obvious. The patent by Dupray concerns the **design of a specific wireless service**; namely the location service. My patent application concerns a **process to build an arbitrary wireless service**. These two are substantially different. One significant difference is the need for a wireless telecommunication. An implementation of Dupray's patent requires the use of wireless telecommunication in order to enact the location service. My patent application does not require a wireless telecommunication to enact the process to build a wireless service. My patent application utilizes a stand-alone computation device, without wirelessly communicating with an external entity, to enact the wireless service building process.

To illustrate the potential value of the location service, Dupray mentions combining the location service with other services. For example, by having one's mobile station location transmitted to a third party service provider who has a data base of restaurants, the address of a nearby restaurant can be transmitted to the located mobile station. However, Dupray **does not** describe a process for combining services, **which is** the purpose of my patent application. It is therefore **not correct** to conclude that the Dupray patent is a prior art that renders my invention to be obvious.

The patent by Dove et al is also substantially different. Consider claim 2 of the patent by Dove, et al part of which is:

"2. The method of claim 1, wherein the **graphical program is initially represented as a plurality of data structures** that specify the operation of the graphical program ..."

Claim 2 indicates that the graphical representation corresponds to data structures. A data structure manifests the means of representing data and the manner in which data is transferred among data components. The definition of data structures and their corresponding graphical representations is a fundamental programming concept. Basic programming texts (e.g., Knuth, "The Art of Computer Programming, Vol. 1 - Fundamental Algorithms") define and describe the use of data structures. A pertinent property of data structure graphical representations is the significance of lines interconnecting two icons (nodes). A line represents data or information passed from the antecedent icon (tail of arrowed line) to the succeeding icon (head of arrowed line). Dove et al identify their graphical programs as block diagrams because a block diagram has the connotation of a graphical data structure representation.

A flow chart is **not** a data structure graphical representation. A flow chart is a graphic means of describing a sequence of operational steps. Again, basic programming texts (e.g., Knuth, "The Art of Computer Programming, Vol. 1 - Fundamental Algorithms") define and describe the use of flow charts. A significant distinction with data structure graphical representations is the purpose of the lines interconnecting two icons. The lines to interconnect icons within flow charts imply the sequence of the operations performed by the icons. The meaning of such a line is that the antecedent icon (tail of arrowed line) performs its prescribed operation prior to the succeeding icon's (head of arrowed line) prescribed operation. (In the 1960's and earlier, when I was a student, textbooks used the two words "flow chart". In the 1970's and later, textbooks merged the two words into "flowchart". However, the two spelling versions are synonymous.)

No information about data structures is contained within a flow chart. This is why the patent by Dove, et al does **not** indicate that its building process produces a flow chart. For my invention the **graphical program is initially represented as a flow chart** and is therefore distinct from the patent by Dove, et al. Because of this distinction nowhere within my patent application do I refer to

either a data structure or a block diagram. It is therefore not correct to conclude that the Dove et al patent is a prior art that renders my invention to be obvious.

The inventors of the Dove et al patent demonstrate that they had knowledge of flow charts. Figure 4 is a flow chart that identifies the sequence of steps for deploying graphical programs on a portable computing device, but not a graphical program or a data structure block diagram that has been built via the invention's process. Figure 5 is a flow chart representing a more detailed sequence of steps for a figure 4 step, in which a graphical program is converted to a format suitable for execution on a portable computing device. Figure 5 is not a graphical program or a data structure block diagram that has been built via the invention's process. (See Para 0087 and Para 0110).

The identification of a graphical program as a flow chart is scrupulously **avoided** by Dove et al because the patent authors knew that flow charts are **not** data structure representations and **their graphical programs are data structure representations**. The Dove et al patent authors did not make an inadvertent omission. It is **not obvious** that flow charts can be used as a graphical means to build wireless services, resulting in this omission.

To avoid this confusion for future readers, the term "flow chart" has been inserted into an appropriate location of my claims. This insertion is consistent with the usage of "flow chart" within my specification.

The names ascribed to the graphical programs indicate another significant distinction between my invention and the patent by Dove et al. I term my graphical programs "**compound wireless mobile communication services**". Dove et al term theirs "**data structures**". The terminology of data structures is properly applied to the graphical programs of Dove et al because the graphical representations define how and what data is transferred between nodes. It is improper for me to name the graphical programs resulting from my invention's building process as data structures.

Contrastively, the basis for my using "**compound wireless mobile communication services**" makes this nomenclature improper for the Dove et al patent. My terminology is derived from an analogy with English grammar. Simple sentences contain a single assertion; e.g., "I will go to the store." Through the use of appropriate connectives (e.g., "**and**", "**or**", "**If ..., then ...**") one can interconnect single assertions to form compound sentences; e.g., "I will go to the store **and** buy a loaf of bread.". Observe the implied sequence of going to the store and then buying the bread.

This process of utilizing connectives is how compound wireless mobile communication services are built. The analog of a single assertion is a "**fundamental wireless mobile communication service**". The fundamental wireless mobile communication services are represented by nodes which, when interconnected by arrowed lines, form compound wireless mobile communication services. These arrowed lines indicate the sequence of node operation comparable to the word "and". No transfer of data is represented by node interconnections. Hence, the graphs of my invention are **not** data structures.

An important and valuable property of my invention is that the process is "**recursive**". Recursion is the property that a process is able to repeat itself indefinitely. The recursive property can be illustrated using an analogy with English grammar. The compound sentence "I will go to the store **and** buy a loaf of bread." can be used in the compound sentence "**If** it the weather is nice, **then** 'I will go to the store **and** buy a loaf of bread'." Just as in the English grammar analogy, after building a compound wireless mobile communication service, my invented wireless service building process can directly use this built service as a component to build another compound wireless mobile communication service.

The building of graphical data structures, taught in the Dove et al patent, does not have the analogy with English grammar as my invention. Consequently, "**recursion**" is **not** directly

applicable to graphical representations of data structures and the words "recursion" or "recursive" do **not** appear in either US Pub 2003/0035004 or US Pub 2004/0150667. Because the recursive property is very valuable in building graphical programs, these words would have otherwise appeared in the two patents' specifications and claims.

The existence and use of fundamental wireless mobile communication services is extremely important to my wireless service building process. A fundamental wireless mobile communication service is an elementary building component or a kernel that is essential to my invention. My graphical wireless service building process cannot operate without fundamental wireless mobile communication services. The fundamental wireless mobile communication services are **not** built by my process. They are built by conventional programming techniques and incorporated within the repertoire of component services to permit my service building process to operate. By means of the recursion property, compound wireless mobile communication services are built from these elementary building components and the compound wireless mobile communication services are added to the repertoire of component services. The analogy is that of a kernel that grows into a plant with many stems and branches. It is such kernels that are fundamental wireless mobile communication services that sprout into a tree of many compound wireless mobile communication services (or branches).

The patent by Dove et al does not refer to such elementary building components because his service building process is different than mine. Hence, the need for and use of fundamental wireless mobile communication services also represents a significant distinction between my invention and that of Dove et al.

Finally, my invention depends upon having a builder provide initial conditions of parameters in order for proper operation of a compound wireless mobile communication service. The use of initial conditions is cited in my specification and claims. Dove et al neither describes nor even provides the phrase "initial conditions" in either patent (US Pub 2004/0150667, US Pub 2003/0035004).

ARGUMENTS FOR RELIEF TO THE PRIOR ART REJECTIONS WITHIN THE
CONCLUSION

13. The Kodosky et al patent (US Patent 6219628) does **not** represent a prior art that renders my invention to be obvious. The patent by Kodosky concerns the graphical programming of a hardware element to configure a measurement instrument. Kodosky's patent was not considered to represent a prior art that renders Dove's patent to be obvious because of its inapplicability to wireless communication. Hence, the Kodosky et al patent **cannot** be considered to represent a prior art that renders my invention to be obvious.

Similarly, the patent by Moore (US Patent 6377210) was **not** considered to be a prior art that renders Dove's patent to be obvious because Moore's invention is not a process to build wireless services. Hence, the Moore patent **cannot** be considered to represent a prior art that renders my invention to be obvious.

The Dove et al patent (US Pub 2004/0150667) only considers building graphical data structures. Hence, this patent is **not** prior art that renders my invention to be obvious for the same reasons as for the Dove et al patent (US Pub 2003/0035004) that are described above.